

Introduced by Senator Cedillo

February 18, 2005

An act to amend Section 16029 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 590, as introduced, Cedillo. Vehicles: evidence of financial responsibility: penalty: reduction.

Existing law makes a violation of a provision of existing law requiring a driver to provide evidence of financial responsibility for a vehicle under certain circumstances punishable by a mandatory fine of not less than \$100 and not more than \$200, plus penalty assessments, upon a first conviction.

This bill would authorize the court to reduce the amount of the mandatory minimum specified fine if the court determines that the defendant is unable to comply with the specified financial responsibility provision because the defendant is prohibited from obtaining a driver's license under an existing statute, prohibiting the Department of Motor Vehicles from issuing a driver's license to an applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16029 of the Vehicle Code is amended
2 to read:

1 16029. Notwithstanding any other provision of law, a
2 violation of subdivision (a) of Section 16028 is an infraction and
3 shall be punished as follows:

4 (a) (1) Upon a first conviction, by a fine of not less than one
5 hundred dollars (\$100) and not more than two hundred dollars
6 (\$200), plus penalty assessments.

7 (2) *The court may reduce the minimum amount of the fine*
8 *imposed under paragraph (1) if the court determines that the*
9 *defendant is unable to comply with subdivision (a) of Section*
10 *16028 because the defendant is prohibited from obtaining a*
11 *driver's license under Section 12801.5.*

12 (b) Upon a subsequent conviction, occurring within three
13 years of a prior conviction, by a fine of not less than two hundred
14 dollars (\$200) and not more than five hundred dollars (\$500),
15 plus penalty assessments.

16 (c) (1) At the discretion of the court, for good cause, and in
17 addition to the penalties specified in subdivisions (a) and (b), the
18 court may order the impoundment of the vehicle for which the
19 owner could not produce evidence of financial responsibility in
20 violation of subdivision (a) of Section 16028.

21 (2) A vehicle impounded pursuant to paragraph (1) shall be
22 released to the legal owner of the vehicle or the legal owner's
23 agent if all of the following conditions are met:

24 (A) The legal owner is a motor vehicle dealer, bank, credit
25 union, acceptance corporation, or other licensed financial
26 institution legally operating in this state.

27 (B) The legal owner or the legal owner's agent pays all towing
28 and storage fees related to the seizure of the vehicle.

29 (C) The legal owner or the legal owner's agent presents
30 foreclosure documents or an affidavit of repossession for the
31 vehicle.

32 (3) (A) A legal owner or the legal owner's agent that obtains
33 release of the vehicle pursuant to paragraph (2) shall not release
34 the vehicle to the registered owner of the vehicle or any agents of
35 the registered owner, unless the registered owner is a rental car
36 agency, except upon presentation of evidence of financial
37 responsibility, as defined in Section 16020, for the vehicle. The
38 legal owner or the legal owner's agent shall make every
39 reasonable effort to ensure that the evidence of financial
40 responsibility that is presented is valid.

1 (B) Prior to relinquishing the vehicle, the legal owner may
2 require the registered owner to pay all towing and storage
3 charges related to impoundment and any administrative charges
4 authorized under Section 22850.5 that were incurred by the legal
5 owner in connection with obtaining custody of the vehicle.

6 (4) A vehicle impounded under paragraph (1) shall be released
7 to a rental car agency if the agency is either the legal owner or
8 the registered owner of the vehicle and the agency pays all
9 towing and storage fees related to the seizure of the vehicle.

10 (5) A vehicle impounded under paragraph (1) shall be released
11 to the registered owner of the vehicle only upon presentation of
12 evidence of financial responsibility, as defined in Section 16020,
13 for that vehicle, and evidence that all towing and storage fees
14 related to the seizure of the vehicle are paid.

15 This paragraph does not apply to a person, entity, or agency
16 who is entitled to release of a vehicle under paragraph (2) or (4)
17 and is either:

18 (A) The registered and the legal owner and is described in
19 subparagraph (A) of paragraph (2).

20 (B) The registered owner or legal owner and is described in
21 paragraph (4).

22 (d) It is the intent of the Legislature that fines collected
23 pursuant to this section be used to reduce the number of
24 uninsured drivers and not be used to generate revenue for general
25 purposes.

26 (e) (1) Except as provided in this subdivision *and in*
27 *paragraph (1) of subdivision (a)*, the court shall impose a fine
28 that is greater than the minimum fine specified in subdivision (a)
29 or (b), and may not reduce that fine to the minimum specified
30 fine authorized under those provisions, unless the defendant has
31 presented the court with evidence of financial responsibility, as
32 defined in Section 16020, for the vehicle. In no event may the
33 court impose a fine that is less than the minimum specified in
34 subdivision (a) or (b), *except as authorized under paragraph (1)*
35 *of subdivision (a)*, or impose a fine that exceeds the maximum
36 specified fine authorized under those subdivisions. In addition to
37 the fine authorized under subdivision (a) or (b), the court may
38 issue an order directing the defendant to maintain insurance
39 coverage satisfying the financial responsibility laws for at least
40 one year from the date of the order.

1 (2) Notwithstanding any other provision of law, the imposition
2 of the fine required under subdivision (a) or (b) is mandatory
3 upon conviction of a violation of subdivision (a) of Section
4 16028 and may not be waived, suspended, or reduced below the
5 minimum fines, unless the court in its discretion reduces or
6 waives the fine based on the defendant's ability to pay, *or*
7 *reduces the amount of the fine as authorized under paragraph (1)*
8 *of subdivision (a)*. The court may direct that the fine and penalty
9 assessments be paid within a limited time or in installments on
10 specified dates. The Legislature hereby declares that it is in the
11 interest of justice that the minimum fines set forth in subdivisions
12 (a) and (b) for these offenses be enforced by the court, as
13 provided in this subdivision.